



GARY R. HERBERT  
Governor

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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

February 7, 2011

#### CERTIFIED RETURN RECEIPT

7005 2570 0000 4801 5921

Dana Beck  
Beck and Beck Construction  
PO BOX 98  
American Fork, Utah 84003

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Fox Canyon Quarry, Cessation Order MC-2011-17-01, S/049/0080, Utah County, Utah

Dear Mr. Beck:

On February 7, 2011, the Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Division's offices in Salt Lake City, Utah. The following individuals attended: Presiding: Dana Dean, Associate Director, and Lynn Kunzler, Permit Lead, for the Division; Dana Beck representing Beck and Beck Construction; and Jack Hepworth representing Mountain Home Development, Inc.

The Findings and Conclusions and Order in this matter are based on information provided by the Division and Messrs. Beck and Hepworth in connection with this Stop Work Conference.

#### FINDINGS & CONCLUSIONS

1. Cessation Order MC-2011-17-01 was issued February 1, 2011 for 'conducting mining operations without providing a reclamation surety and failure to remit annual permit fee of \$150' and required all mining to cease.
2. In a phone call received February 1, 2011 Jody VanAusdal requested a Stop work conference.
3. A Stop Work Conference was scheduled and held February 7, 2011 at 2:00 pm, in accordance with R647-6-102.4.





4. The Division has been working with Beck and Beck for over 2 years to permit the operation. During that time there has been some confusion and "flip-flopping" as to whether this site needed to be permitted.
5. At some point, all parties agreed that this operation needed a permit, and Beck and Beck supplied an NOI for a small mine in September 2010.
6. The Division found deficiencies in the NOI and informed Mr. Beck of same on October 20, 2010. The same letter required him to post a \$25,000 bond as soon as possible. The \$25,000 was based on information in the NOI.
7. The Division communicated 2-3 times with Mr. Beck between October 20 and the end of December 2010. All indications were that Mr. Beck would promptly post the bond and pay the \$150 permit fee.
8. Mr. Kunzler conducted an inspection on February 1, 2011 and found that the operation was still in full force and no bond or permit fee had been filed with the Division. Based on that information he wrote the Cessation Order MC-2011-17-01.
9. Mr. Beck and Mr. Hepworth were each aware of the need for a bond, but miscommunication between them and Mr. Ted Heaps, also of Mountain Home Development, Inc. lead to each thinking it had been taken care of.
10. Much of the grading, topsoil placement and revegetation has been completed. Mr. Kunzler estimated that a bond of \$8,000 would be more accurate now.
11. It is concluded by the Conference Officer that the Cessation Order is affirmed with the following conditions and allowances.

#### **ORDER**

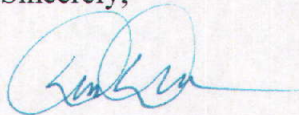
- Cessation Order MC-2011-17-01, issued February 1, 2011, is hereby affirmed
- Beck and Beck may continue to operate as usual until Monday, February 14 at 6:00 pm, in order to have time to arrange a bond and reclamation contract.
- Beck and Beck must post a bond of \$8,000, sign a reclamation contract, and pay a permit fee of \$150 by 6:00 pm on February 14, 2011 or cease all operations. They would then be subject to further fines and penalties.
- Beck and Beck may file mitigating information with Paul Baker to be used in the penalty assessment for MC-2011-17-01. The information should be submitted by 6:00 pm on Monday, February 14, 2011



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If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Vickie Southwick at (801) 538-5304. If you have any questions regarding this letter, please contact Dana Dean at (801) 538-5320 or Paul Baker at (801) 538-5261.

Sincerely,



Dana Dean, P.E.  
Associate Director

DD:vs

cc: John Baza, DOGM  
Paul Baker, DOGM  
Lynn Kunzler, DOGM  
Jack Hepworth, Mountain Home Development

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